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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

IN RE APPLICATION OF
 	
FENGLIAN FU
 	
                              Plaintiff,
        -against-
 	
HUA WU
 	
                    Defendant
	Civil Action No.: 19-20533-SDW-LDW
	
	PETITIONER'S EX-PARTE ORDER TO SHOW CAUSE FOR A TEMPORARY STAY OF THE STATE COURT PROCEEDING AND TO VACAT THE CONSENT ORDER ENTERED BY THIS COURT ON JANUARY 20, 2020, OR ALTERNATIVELY, TO DECLINE JURISDICTION OVER MODIFICATION OF CHILD CUSTODY UNDER THE STATE LAW
	
	ORAL ARGUMENT REQUESTED

THIS MATTER having been brought before the Court by Plaintiff/Petitioner, through its counsel, by Order to Show Cause seeking a temporary stay of the state court proceeding pursuant to Rule 65, and to vacate the consent order that the parties signed and this Court entered on January 20, 2020 pursuant to Rule 60, or alternatively to decline jurisdiction over the modification of child custody under New Jersey State Law, and upon the Declaration of Fenglian Fu, the Declaration of Aihong You, Esq. and Memorandum of Law submitted herewith, the

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Court having determined that good and sufficient reasons exist to proceed by way of Order to

Show Cause, and for good cause shown.

IT IS on this _____ day of _____ , 2022,

ORDERED, that the above-named Defendant/Respondent appear and show cause before

the United State District Court for the District of New Jersey, Hon. _____, at Room

_____, United States Courthouse, located at _____, New

Jersey, on_____, _____, at _____ o'clock in the _____ noon thereof, or as soon

thereafter as counsel may be heard, why an order should not be issued pursuant to Rule 60(b)(6)

of the Federal Rules of Civil Procedure:

1. To vacate the consent order dated January 20, 2020;

2. To reopen this case and adjudicate this mater on the merits;

3. Alternatively, to decline jurisdiction over the parties' application made under the New Jersey State Law for an order determining the residential custody of two minor children.

And it is further **ORDERED** that:

1. Pending further hearing on this Order to Show Cause, the state court proceedings under docket No. FD-09-000448-20 is temporarily stayed;

2. A copy of this Order to Show Cause, supporting declaration and Memorandum of Law submitted in support of this application, shall be served upon the Defendant/Respondent _____ within _____ days of the date hereof, in accordance with FRCP 4.

3. The Plaintiff/Petitioner must file with the Court its proof of service of the pleadings on the Defendant no later than _____ days before the return date.

4. Defendant shall file and serve a written response to this Order to Show Cause and proof of service by _____, 2022. You must send a courtesy copy of your opposition papers directly to Judge _____, whose address is: _____, New Jersey _____.

5. The Plaintiff may file and serve any written reply to the Defendant's opposition to the Order to Show Cause by _____, 2022. A courtesy copy of the

reply papers must be sent directly to the chambers of Judge

_____.

6. If the Defendant does not file and serve opposition to this Order to Show Cause, the application will be decided on the papers on the return date and relief may be granted by default, provided that the Plaintiff files a proof of service and a proposed form of Order at least _____ days prior to the return date.

7. If the Plaintiff has not already done so, a proposed form of Order addressing the relief sought on the return date (along with a self-addressed return envelope with return address and postage) must be submitted to the Court no later than _____ days before the return date.

8. The Court will notify the parties whether it will entertain argument on the return date of the Order to Show Cause in accordance with Local Civil Rule 78.1.

_____

United States District Judge